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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,851	07/16/2004	Susumu Senshu	255147US6PCT	2817
22850 7590 12/16/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER NALVEN, ANDREW L				
ART UNIT		PAPER NUMBER		
2434				
NOTIFICATION DATE		DELIVERY MODE		
12/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/500,851

Applicant(s)

SENSHU, SUSUMU

Examiner

ANDREW L. NALVEN

Art Unit

2434

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9 and 40 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-9 and 40 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-9, and 40 are pending.

Response to Arguments

2. Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-5, 7-9, 40 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Okamoto et al US Patent No. 7,310,823 in view of Nakane et al US Patent No. 6,522,609.
4. **With regards to claims 1, 9 and 40**, Okamoto teaches a recording system in which an input device and a recording apparatus are connected to each other via a bus (Okamoto, Figure 4, column 7 lines 35-45), said input device comprising determination means for determining whether input content is to be protected (Okamoto, column 8

lines 10-13, encrypted as needed), said recording apparatus comprising recording means for recording data (Okamoto, column 11 lines 15-25, unit of 2K bytes) on a recording medium, wherein the content is recorded in the user data (Okamoto, column 10 lines 58-67, content added to recording medium along with control information) and, protection information is recorded in the user control data (Okamoto, column 10 lines 57-67, Figure 6B), the protection information indicating whether the content is to be protected when being transmitted on the bus based on a determination result obtained by said determination means (Okamoto, column 8 lines 10-26). Okamoto fails to teach recording data in a unit of a physical cluster. However, Nakane teaches recording user data interspersed with user control data in a unit of a physical cluster (Nakane, column 11 lines 59-65). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Nakane's method of recording data in units of clusters because it offers the advantage of providing error correction such that defects in the data can be determined and corrected (Nakane, column 1 lines 25-50).

5. **With regards to claim 3**, Okamoto as modified teaches the predetermined unit is 2048 bytes content (Okamoto, column 8 lines 28-37).
6. **With regards to claim 4**, Okamoto as modified teaches said recording apparatus further comprises encryption means for encrypting the content by using an ID and a recording medium key of the recording medium when said determination means determines that the content is to be protected (Okamoto, column 8 lines 10-27).
7. **With regards to claim 5**, Okamoto as modified teaches said recording apparatus further comprises encryption means for encrypting the content by using at

least a recording medium key of the recording medium when said determination means determines that the content is not to be protected (Okamoto, column 8 lines 10-27).

8. **With regards to claim 7**, Okamoto as modified teaches a recording system according to claim 1, wherein: said input device further comprises first encryption means for encrypting the content before being sent to the bus when said determination means determines that the content is to be protected; and said recording apparatus further comprises second encryption means for encrypting the content before being recorded by said recording means when said determination means determines that the content is to be protected (Okamoto, column 8 lines 10-27).

9. **With regards to claim 8**, Okamoto as modified teaches said first encryption means prohibits the content from being encrypted before being sent to the bus when said determination means determines that the content is not to be protected (Okamoto, column 8 lines 10-27).

10. **Claim 6 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Okamoto et al US Patent No. 7,310,823 and Nakane et al US Patent No. 6,522,609, as applied to claim 1 above, and in further view of Ando et al US Patent No. 7,286,746.

11. **With regards to claim 6**, Okamoto as modified fails to teach each of said input device and said recording apparatus further comprises authentication means for authenticating each other. However, Ando teaches each of said input device and said recording apparatus further comprises authentication means for authenticating each other (Ando, column 3 lines 39-45). At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to utilize Ando's method of mutual authentication because it offers the advantage of ensuring that the recording and input devices are known devices which will limit the chances of the exposing of an encryption key (Ando, column 22 lines 30-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Primary Examiner, Art Unit 2434